

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MA 04 16 P 4 55

U.S. DISTRICT COURT
DISTRICT OF MASS

BEVERLEE SCHWEIGHARDT and
JOSEPH G. SCHWEIGHARDT,

Plaintiffs,

v.

CHARLES D. AXELROD, Trustee for
the Liquidation of W.S. Clearing, Inc.,

Defendant.

Case No. 04-10744 RWZ

ASSENTED-TO MOTION TO
EXTEND TIME TO ANSWER

Defendant Charles D. Axelrod (the "Trustee"), as Trustee for the liquidation of W.S. Clearing, Inc., hereby moves to extend the time by which he will answer or otherwise respond to the Complaint in the above-captioned matter. As grounds for his Motion, the Trustee states as follows:

1. This action was brought against the Trustee, in his capacity as a trustee appointed under the Securities Investor Protection Act ("SIPA"), in a civil action commenced on or about March 25, 2004 in the Superior Court for the Commonwealth of Massachusetts for Barnstable County under Civil Action No. 04-162 entitled Beverlee Schweighardt and Joseph G. Schweighardt, Plaintiffs, versus Charles D. Axelrod, Trustee for the Liquidation of W.S. Clearing, Inc., Defendant;

2. On April 9, 2004 the Trustee timely removed that action to this Court on the basis of federal question jurisdiction;

3. The Trustee's response to the Complaint is now due April 16, 2004;

4. This action is the subject of a motion pending before the United States District Court for the Central District of California, wherein Plaintiffs seek leave from that Court to pursue the claims stated in this action;

5. In addition, the parties are engaged in settlement negotiations to resolve all of the claims raised in this action and Plaintiffs have assented to this Motion and to the extension of the time in which the Trustee must respond to the complaint until May 17, 2004; and

6. Allowance of this motion will prejudice neither this Court nor the public interest.

WHEREFORE, the Trustee respectfully requests that this Court extend the time by which he must respond to the Complaint to May 17, 2004.

Respectfully submitted,

CHARLES D. AXELROD, TRUSTEE
FOR THE LIQUIDATION OF W.S. CLEARING

By his attorneys,

By Mark A. Walsh
Mark A. Walsh (BBO No. 567986)
LeBOEUF, LAMB, GREENE & MacRAE, L.L.P.
260 Franklin Street
Boston, Massachusetts 02110
(617) 748-6800

Dated: April 16, 2004

Certificate of Service

I, Mark A. Walsh, counsel for Defendant, hereby certify that this day, April 16, 2004, I served a copy of the above pleading by mail on counsel for Plaintiff.

Mark A. Walsh
Mark A. Walsh